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10/807,400	03/24/2004	Ryosuke Asai	Q80698	3513

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EXAMINER	
YOUNG, NICOLE M	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/807,400	ASAI, RYOSUKE	
	Examiner	Art Unit	
	Nicole M. Young	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/24/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to the application filed on March 24, 2004. Claims 1-24 are currently pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 21-22 fail to fall within a statutory category of invention. They are directed to functional descriptive material per se. Generally, functional descriptive material, such as a computer program, is statutory when it is stored on a tangible computer readable medium. See MPEP § 2106 IV.B.I(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 12, 13, and 15-24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wool (US 6,373,948)**.

Claims 1, 16, 19, 20, 23, and 24 disclose a contents supplying system comprising a server and a terminal device, wherein the server comprises (The head end server of Fig. 2 is interpreted to be the server and the set top terminal of Fig. 3 is interpreted to be the terminal device):

a unit which encrypts a second portion of contents by a predetermined method and transmits an encrypted second portion of the contents to the terminal device (Fig 9 steps 940-950 and associated text teach the server encrypting and transmitting an encrypted program to the set top terminal) in response to a request of the second portion of the contents (Column 3 lines 26-44 teach the customer purchasing a desired package of programs, the Examiner interprets this to be requesting the program, or second portion of the contents), and

wherein the terminal device comprises:

a unit, which prepares a first portion of the contents (Fig. 3, Entitlement Database 700 is interpreted to be a unit, which prepares a first portion of the contents. A first portion of the contents is interpreted by the Examiner to be the entitlement information);

a unit, which transmits the request of the second portion of the contents to the server (Fig. 3, Processor 310 and Comm. Port 330 transmits requests);

a unit which receives the encrypted second portion of the contents from the server, and obtains the second portion of the contents by decrypting the encrypted second portion of the contents (Fig. 3, Decode Process 1000 and associated text teach receiving the encrypted program from the server); and

a unit which restores the contents from the first and the second portions of the contents (Fig. 3 1000 Decode Process 1000 and associated text and Fig. 10 and associated text teach the process of receiving the encrypted program and program identifier, p, from the server. The set top terminal then uses the entitlement information (the first portion) and the program identifier to generate a program key, Kp. The program key is then used to decrypt the program.).

Claim 2 discloses the contents supplying system according to claim 1, wherein the unit which prepares the first portion of the contents comprises:

a unit which transmits the request of the first portion of the contents to the server in response to input of a user (Column 3 lines 26-44 teach the customer purchasing a desired package of programs, the Examiner interprets this to be the input of the user. The entitlement information is downloaded in response to the purchase of the package); and

a unit which receives the first portion of the contents from the server and stores the first portion (Fig. 3 Entitlement Database 700 stores the entitlement information).

Claim 3 discloses the contents supplying system according to claim 1, wherein the second portion of the contents comprises information continuously needed in reproducing the contents (Column 4 line 66 and Column 5 lines 1-6 teach a program is a "continuous multimedia transmission").

Claim 4 discloses the contents supplying system according to claim 3, wherein the contents are moving picture contents, and wherein the second portion of the contents comprises a header information portion of moving picture data forming the

moving picture contents (Column 4 line 66 and Column 5 lines 1-6 teach a program is a "continuous multimedia transmission" and includes a TV program or a movie. The program identifier transmitted with the content is interpreted by the Examiner to be the header information").

Claim 5 discloses the contents supplying system according to claim 3, wherein the contents are the moving picture contents, and wherein the second portion of the contents comprises data corresponding to a specific portion in a story of the moving picture contents (Column 4 line 66 and Column 5 lines 1-6 teach a program is a "continuous multimedia transmission" and includes a TV program or a movie. The second portion of the contents comprises data corresponding specifically to the beginning of the moving picture contents).

Claim 6 discloses the contents supplying system according to claim 3, wherein the contents are programs, and wherein the second portion of the contents is data defining a function which is utilized in the programs (Column 4 line 66 and Column 5 lines 1-6 teach a program. The program identifier is utilized in the decryption function to decrypt the programs).

Claim 7 discloses the contents supplying system according to claim 1, wherein the request of the second portion is continuously transmitted when the contents are reproduced (Column 3 lines 26-44 teach the customer purchasing a desired package of programs, the Examiner interprets this to be requesting the program, or second portion of the contents. Column 12 lines 13-22 teach decoding and reproducing the contents as soon as the contents are received.)

Claim 12 discloses the contents supplying system according to claim 1, wherein the server transmits the identical second portions of the contents to a plurality of terminal devices (Column 9 lines 53-66 and Column 10 lines 1-24 teach the customers selecting packages of programs. The program identifiers or p of the program are always the same. Customers in the same groups (select the same packages) are sent identical second portions.).

Claim 13 discloses the contents supplying system according to claim 1, wherein the server transmits different second portions of the contents to a plurality of terminal devices respectively (Column 9 lines 53-66 and Column 10 lines 1-24 teach the customers selecting packages of programs. As in column 9 lines 53-66 customers that purchase different packages such as sports versus adult content, would receive different second portions.).

Claims 15, 17, 18, 21, and 22 are rejected the same as claims 1 and 2 as rejected above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wool (US 6,373,948)** as applied to **claims 1-7, 12, 13, and 15-24** above, and further in view of **Sullivan et al. (US 6,069,647)** herein referred to as Sullivan.

Wool teaches all limitations of claim 1 as rejected above. Wool does not teach but Sullivan teaches **claim 8**, which discloses the contents supplying system according to claim 1, wherein the request of the second portion comprises at least a part of the first portion of the contents or specific information, and wherein the server performs certification of the request of the second portion and transmits the second portion to the terminal device when the certification is correctly executed in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK. It would be obvious to one of ordinary skill in the art at the time of invention to request a digital certificate for authentication from the end device and then use a public key of the end device to encrypt the next transmission.)

The motivation would be to provide more security as stated in Wool column 5 lines 1-5 the entitlement information is downloaded from the head-end server to the set top terminal "using any suitably secure uni-directional or bi-directional protocol".

Wool and Sullivan teach the limitations of claim 8 as rejected above. Woo does not teach but Sullivan teaches **claim 9** which discloses the contents supplying system

according to claim 8, wherein the certification is determined based on coincidence of the first portion of the contents which the server transmitted to the terminal device in the past, with at least a part of the first portion included in the request of the second portion or the first portion specified by the specific information in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK. It would be obvious to one of ordinary skill in the art at the time of invention to request a digital certificate for authentication from the end device and then use a public key of the end device to encrypt the next transmission.)

The motivation would be to provide more security as stated in Wool column 5 lines 1-5 the entitlement information is downloaded from the head-end server to the set top terminal "using any suitably secure uni-directional or bi-directional protocol".

Wool and Sullivan teach all the limitations of claim 9 as stated above. Wool does not teach but Sullivan teaches **claim 10** which discloses the contents supplying system according to claim 9, wherein at least a part of the first portion included in the request of the second portion or the first portion specified by the specific information is encrypted in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK. It would be

obvious to one of ordinary skill in the art at the time of invention to request a digital certificate for authentication from the end device and then use a public key of the end device to encrypt the next transmission.)

The motivation would be to provide more security as stated in Wool column 5 lines 1-5 the entitlement information is downloaded from the head-end server to the set top terminal "using any suitably secure uni-directional or bi-directional protocol".

Wool and Sullivan teach all the limitations of claim 10 as rejected above. Wool does not teach but Sullivan teaches **claim 11** which discloses the contents supplying system according to claim 10, wherein key information utilized for the encryption comprises time information of encryption of at least a part of the first portion or the specific information in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK. It would be obvious to one of ordinary skill in the art at the time of invention to request a digital certificate for authentication from the end device and then use a public key of the end device to encrypt the next transmission.)

The motivation would be to provide more security as stated in Wool column 5 lines 1-5 the entitlement information is downloaded from the head-end server to the set top terminal "using any suitably secure uni-directional or bi-directional protocol".

Wool teaches all the limitations to claim 1 as rejected above. Wool does not teach but Sullivan teaches **claim 14** which discloses the contents supplying system

according to claim 1, wherein the second portion is formed by an identical common portion and an individual portion, and wherein the server transmits a combination of the common portion and individual portions different from each other to a plurality of terminal devices in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK. It would be obvious to one of ordinary skill in the art at the time of invention to request a digital certificate for authentication from the end device and then use a public key of the end device to encrypt the next transmission. The combination of public key and TSK is different for each individual end device as each public key would be specific to which end device the TSK is sent.)

The motivation would be to provide more security as stated in Wool column 5 lines 1-5 the entitlement information is downloaded from the head-end server to the set top terminal "using any suitably secure uni-directional or bi-directional protocol".

Note: The Examiner has pointed out particular references contained in the prior arts of record and in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. The Applicant should consider the entire prior art as applicable to the limitations of the claims. It is respectfully requested from the applicant, in preparing for response, to

consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Young whose telephone number is 571-270-1382. The examiner can normally be reached on Monday through Friday, alt Fri off, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NMY
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